




STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

TO: Members, Public Disclosure Commission

FROM: Vicki Rippie, Executive Director 

DATE: September 18, 2003

SUBJECT: Review of WAC 390-17-060, Exempt Activities, regarding whether circumstances warrant altering the presumption that caucus campaign committees are ineligible to receive donations that are exempt from contribution limits

Introduction

During the course of the recent audits of the four caucus campaign committees and the PACs with which they are associated to varying degrees, it occurred to staff that there may have been sufficient changes during the past decade to warrant the Commission's review of the exempt activities rule, WAC 390-17-060, to determine whether the interpretation inherent in the rule remains compelling.

Specifically, and as discussed in more detail below, do

- the state Supreme Court decision in the Senate Republican Campaign Committee v PDC,
- the inter-relationship between the caucus committees and what staff has called "caucus-tied PACs," and
- concerns about transparency and the ability of the public to follow-the-money

warrant removing or modifying the presumption that to date has effectively precluded caucus campaign committees from receiving unlimited contributions from PACs, businesses, unions, and other entities for certain statutorily identified expenditures?

I-134 and Contribution Limits--Background

Initiative 134 was passed by the voters in 1992 by a 72% margin. By adopting I-134, the people of the state found and declared that:

- 1) *The financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.*
- 2) *Rapidly increasing political campaign costs have led many candidates to raise larger percentages of money from special interests with a specific financial stake in matters before state government. This has caused the public perception that decisions of elected officials are being improperly influenced by monetary contributions.*



- 3) *Candidates are raising less money in small contributions from individuals and more money from special interests. This has created the public perception that individuals have an insignificant role to play in the political process.* RCW 42.17.610.

Further, by limiting campaign contributions, the people intended to:

- 1) *Ensure that individuals and interest groups have fair and equal opportunity to influence elective and governmental processes;*
- 2) *Reduce the influence of large organizational contributors; and*
- 3) *Restore public trust in governmental institutions and the electoral process.* RCW 42.17.620.

Among other prohibitions and restrictions, I-134 established limits on the aggregate contributions given to state office candidates, political parties and caucus committees.

According to RCW 42.17.640(6), no person other than an individual, bona fide political party, or caucus committee may make contributions to a caucus political committee that in the aggregate exceed \$625 per calendar year or to a bona fide political party that in the aggregate exceed \$3,200 per calendar year.¹ Under RCW 42.17.095(3), unlimited candidate surplus funds may be transferred to a caucus committee (after a 1995 legislative change).

As such, caucus committees may only receive \$625 per year from PACs, unions, corporations and most other entities, while they may receive unlimited amounts from individuals, party committees, other caucus committees, and the surplus funds of candidates.

However, a different subsection of I-134, codified as RCW 42.17.640(14), creates another type of contribution that is exempt from the initiative's limits. These donations may only be used for specific types of expenditures under specific conditions and are called "exempt contributions" or "soft money."²

According to section .640(14), the following are exempt from the contribution limits:

- (a) An expenditure or contribution earmarked for
voter registration,
absentee ballot information,
precinct caucuses,
get-out-the-vote campaigns,
precinct judges or inspectors,
sample ballots, or
ballot counting, **all without promotion of or political advertising for individual candidates.**
- (b) An expenditure by a political committee for its own internal organization or fund raising **without direct association with individual candidates.**

¹ To date, the original dollar amounts specified in I-134 have been adjusted for inflation four times since enactment, pursuant to RCW 42.17.690. See attached chart summarizing I-134 limits.

² State exempt contributions are different from federal soft dollars. State exempt funds are raised for the purposes allowed by state law and reported under state law. Federal soft money is raised outside of federal law but used to influence federal elections. Federal soft money typically includes union and corporation general fund campaign expenditures as well as all party funds raised under state law, that is, both exempt and non-exempt funds.

After considerable public input, debate and controversy, in late 1993 the Commission unanimously adopted WAC 390-17-060 to implement section .640(14). This rule contemplates that of the three recipients that are subject to contribution limits -- state office candidates, political parties and caucus committees -- only political parties automatically qualify to receive exempt funds.

Contributions received by candidates and caucus committees for the purposes enumerated in (a) above were presumed to be for the purpose of promoting individual candidates, and those for (b) above were presumed to be with direct association with individual candidates. Thus, unless a caucus committee could overcome the rule's presumptions, the prerequisites of the law would not be satisfied and exempt funds could not be received.

At the time of the rule's adoption, Senate Republicans were opposed to caucus committees receiving exempt funds, House Republicans were more supportive and House and Senate Democrats maintained that the law allowed caucus committees to qualify for exempt funds. The State Republican Party also opposed exempt funds for caucus committees.

In 1995, the Senate Democratic Campaign Committee unsuccessfully sought to overcome the presumptions. Then-Commissioner Jim Whiteside observed that funding received by the committee for recruiting and research would ultimately be used to benefit campaigns. The Commission determined the presumption that expenditures would be in direct association with candidates had not been rebutted.

Creation of Caucus-Tied PACs

As early as 1991/92, the House Republican Organization Committee (HROC) and the Senate Republican Campaign Committee (SRCC) had a PAC with which each was linked because at least one member of their caucus was an officer of the PAC.³ Of late, HROC has been associated with the Speaker's Roundtable, and SRCC has had ties to the Leadership Council and the Committee for a Responsible Majority. By 1993/94, the House Democratic Campaign Committee (HDCC) was aligned with the Harry Truman Fund, and by 1995/96, the Senate Democratic Campaign Committee (SDCC) was associated with the Roosevelt Fund.

These caucus-tied PACs receive unlimited contributions from individuals, corporations, unions and other PACs, make contributions to legislative candidates and frequently pay for candidate recruiting costs and consulting services. (See Susan Harris' memo for a discussion of reporting issues.)

Since 1996, PDC's biennial *Election Financing Fact Book* has included a section on caucus committee expenditures. This section also shows data about the caucus-tied PACs since the spending picture would not be complete without reflecting this additional information.

It has been suggested that if caucus committees were permitted to have exempt funds, that the relationship with their associated PACs may no longer be necessary, and the public would have an easier time tracking caucus-related contributions and expenditures. Having all of the caucus-related activity reported directly by the caucus committees is appealing. However, there is no guarantee that the close alliances with other PACs would cease.

³ Staff advised the caucus committees that so long as the majority of the leadership of other PAC was comprised of non-caucus members, that PAC would not share a contribution limit with the caucus committee.

Caucus Spending Comparison: 1991/92 and 2001/02

	1991/92	Inflation Adjustment	2001/02	% Change
House Democrats	\$293,512	\$355,995	\$1,601,577	350% increase
House Republicans	385,561	467,640	1,061,841	127% increase
Senate Democrats	349,485	423,884	851,132	100% increase
Senate Republicans	773,753	938,471	433,555	54% decrease
TOTALS	\$1,802,311	\$2,185,990	\$3,948,105	80% increase

During the same ten-year span, the total spent by all legislative candidates decreased by 3.5%, from an inflationary adjusted \$16.37 million in 1992 to \$15.8 million in 2002 (note there were 85 fewer candidates in 2002, however), and a winning general election legislative candidate on average spent 5% more in 2002 than in 1992. In 1992, the State Democratic Party spent an inflationary adjusted \$988,300, and in 2002, it spent \$2,220,095, an increase of 125%. Comparable figures for the State Republican Party are \$1,155,183 in 1992, \$1,823,812 in 2002, for an increase of 58%. Note that the caucus spending amounts are for a two-year period and the party amounts for a one-year span. Nevertheless, the percentage of change experienced by the caucus committees and the parties may be contrasted.

Revised Spending Comparison, including Caucus Tied PAC* Activity: 1991/92 and 2001/02

	1991/92	Inflation Adjustment	2001/02	% Change
House Democrats & Harry Truman Fund	\$293,512	\$355,995	\$2,271,914	538% increase
House Republicans & The Speakers Roundtable	418,369	507,432	1,613,429	218% increase
Senate Democrats & The Roosevelt Fund	349,485	423,884	1,513,859	257% increase
Senate Republicans & The Leadership Council & Committee for a Responsible Majority	865,355	1,049,573	841,177	20% decrease
TOTALS	\$1,926,721	\$2,336,884	\$6,240,379	167% increase

*PACs identified are the ones with current ties to caucus committees

The SRCC Supreme Court Decision

A 1997 split decision by the State Supreme Court in Senate Republican Campaign Committee v. Public Disclosure Commission may be relevant to this discussion.

At issue in that case was the Commission's contention that RCW 42.17.710 prohibited caucus committees from soliciting or accepting contributions during a session freeze period because such contributions would ultimately go to a candidate or authorized committee.

In part, RCW 42.17.710 says, during a legislative freeze period, ". . .no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions . . . to a candidate or authorized committee. . ."

Since the SRCC did not dispute that it engaged in fundraising during a freeze period and acknowledged it was a "person that was acting on behalf of a legislator," the Supreme Court determined that the remaining issue to decide was whether the SRCC violated section .710 when it engaged in fundraising for individuals who would run in the future for Senate positions not held by Republican incumbents. According to a five-member majority of the Court, the statutory definition of the term "candidate" held the key to its ruling.

That definition says *"candidate means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:*

- (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;*
- (b) Announces publicly or files for office;*
- (c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or*
- (d) Gives his or her consent to another person to take on behalf of the individual any of the action in (a) or (c) of this subsection."*

The Court said that *"for the SRCC to have violated RCW 42.17.710, it must have solicited or accepted funds for an individual who has taken one of the actions outlined in the statutes that defined the term candidate."*

You will note that RCW 42.17.640(14) and your rule, WAC 390-17-060, relating to use of exempt funds refer to the term "individual candidates." It could be argued, as in the SRCC case discussed above, that caucus committees qualify under the law for exempt contributions unless those funds are spent to promote known individual candidates or are in direct association with known individual candidates.

However, even were the facts to demonstrate that during non-state election years and, perhaps, for a portion of state election years, the caucus committees devote their time to such activities as issue research and recruiting persons who are not yet actual candidates, it is also a fact that the officers in charge of each committee are very often themselves actual candidates.⁴ As such, the caucus committee could be viewed as making these research and

⁴ For example, Speaker Chopp was listed as Chair of the HDCC as of November 1, 2000 through June 2003; he filed a C-1 as a candidate for 2000 on June 8, 2000, and for 2002 on December 10, 2001. Representatives Cathy McMorris and Dave Mastin were listed as officers of HROC as of January 25, 2002. Rep. McMorris filed a C-1 as a 2002 candidate on November 16, 2001; Rep. Mastin filed a C-1 as a 2002 candidate on December 16, 2000. In June of 2001, the SDCC filed a C-1pc listing Senators Harriet Spanel and Ken Jacobsen as officers. Senator Spanel

recruiting expenditures in direct association with these known candidates.

Bipartisan Campaign Reform Act of 2002 (BCRA)

The US Supreme Court has recently heard oral argument and is expected to decide later this year whether key components of the new Federal Election Campaign Act are constitutional. Among those components are prohibitions and restrictions relating to soft money and issue advertising in federal elections. Whatever this Court decides, there may be ramifications for state campaigns as well. Until the high court decision is rendered, and perhaps for some time thereafter while the decision is assimilated, there will be less clarity in the campaign finance field than we would prefer.

Commission Options

Most of the September 25 agenda is devoted to this exempt funds topic because of its complexity. While there will be considerable interest in any decision you make, it's difficult to gauge whether much public comment will be offered.

If the Commission chooses, this could be the first of several informal discussions. Or, the Commission could direct staff to draft language amending WAC 390-17-060 for consideration at your October 28 meeting. You could also decide that the rule does not require amendment, or should not be amended at this time. Whatever direction is chosen, if the rule is going to be changed for the coming election year, staff believes it would be advisable for the formal public hearing and final adoption to occur at your December meeting.

Attachments:

I-134 Contribution Limits Chart

Caucus Political Committees excerpt from *2002 Election Financing Fact Book*

Supreme Court of Washington decision in Senate Republican Campaign Committee v. the Public Disclosure Commission

filed a C-1 as a 2004 candidate on February 5, 2002. Senator Jacobsen filed as a 2002 candidate on December 12, 2001. Senator Jim West has been an officer of the SRCC since February of 1994. He has had numerous campaign registrations on file since that time.

INITIATIVE 134 CONTRIBUTION LIMITS

CONTRIBUTORS	RECIPIENTS					
	State Party	County Or LD Committee	Caucus Political Committee	Statewide Executive Candidate Committee	Legislative Candidate Committee	Pacs
State Party Committee	Not Applicable	No Limit	No Limit	\$0.64 per Reg. Voter per Cycle	\$0.64 per Reg. Voter per Cycle	No Limit
County and LD Party Committees	No Limit	No Limit	No Limit	\$0.32 per Reg. Voter per Cycle (Joint Limit)	\$0.32 per Reg. Voter per Cycle (Joint Limit)	No Limit
Caucus Political Committee (House or Senate)	No Limit	No Limit	No Limit	\$0.64 per Reg. Voter per Cycle	\$0.64 per Reg. Voter per Cycle	No Limit
Statewide Executive Candidate Committee	Only from Surplus Funds No Limit	Only from Surplus Funds No Limit	Only from Surplus Funds No Limit	Prohibited	Prohibited	Prohibited
Legislative Candidate Committee	Only from Surplus Funds No Limit	Only from Surplus Funds No Limit	Only from Surplus Funds No Limit	Prohibited	Prohibited	Prohibited
Pacs, Unions, Corps and other entities	\$3,200 per Calendar Year (non-exempt) No Limit (exempt)	\$3,200 per Calendar Year (non-exempt) No Limit (exempt)	\$625 per Calendar Year	\$1,250 per Election	\$625 per Election	No Limit
Individuals	No Limit	No Limit	No Limit	\$1,250 per Election	\$625 per Election	No Limit

Caucus Political Committees

Total Caucus Committee Expenditures
1997/1998, 1999/2000, 2001/2002

	1997	1998	Totals	1999	2000	Totals	2001	2002	Totals
House Democratic Campaign Comm	\$81,959	\$580,240	\$662,199	\$270,374	\$1,378,001	\$1,648,675	\$357,800	\$1,243,777	\$1,601,577
House Republican Organization Comm	71,607	456,519	528,126	127,323	861,782	989,106	\$124,357	\$937,484	\$1,061,841
Senate Democratic Campaign Comm	100,411	428,430	528,841	78,223	550,433	628,656	\$146,895	\$704,237	\$851,132
Senate Republican Campaign Comm	91,419	357,908	449,327	50,985	340,561	391,547	\$45,110	\$388,445	\$433,555
TOTALS	\$345,396	\$1,823,097	\$2,168,493	\$526,907	\$3,130,778	\$3,657,685	\$674,162	\$3,273,943	\$3,948,105

Caucus Committee Expenditure Comparison
1991/92, 1993/94, 1995/96, 1997/98, 1999/00, 2001/02

	1991/92	1993/94	1995/96	1997/98	1999/00	2001/02
House Democratic Campaign Committee	\$293,512	\$101,312	\$384,668	\$662,199	\$1,648,375	\$1,601,577
House Republican Organization Committee	385,561	92,315	574,291	528,126	989,106	1,061,841
Senate Democratic Campaign Committee	349,485	131,847	318,930	528,841	628,656	851,132
Senate Republican Campaign Committee	773,753	508,073	518,548	449,327	391,547	433,555
TOTALS	\$1,802,311	\$833,547	\$1,796,437	\$2,168,493	\$3,657,685	\$3,948,105

PACs with Caucus Committee Ties
(Totals for 2001 and 2002 combined)

	Expenditures	Subtotal	Total
House Democrats:			
Harry Truman Fund	\$670,337	\$670,337	
House Republicans:			
The Speakers Roundtable	551,588	551,588	
Senate Democrats:			
The Roosevelt Fund	662,727	662,727	
Senate Republicans:			
The Leadership Council	390,585		
Committee for a Responsible Majority	<u>17,037</u>	<u>407,622</u>	
Total			\$2,292,274

Revised Expenditure Comparison (including Caucus-Tied PACs)

1991/92 vs. 1993/94 vs. 1995/96 vs. 1997/98 vs. 1999/00 vs. 2001/02

	1991/92	1993/94	1995/96	1997/98	1999/00	2001/02
House Democrats	\$ 293,512	\$ 125,066	\$464,331	\$832,137	\$1,987,718	\$2,271,914
House Republicans	418,369	223,280	928,098	770,481	1,746,033	1,613,429
Senate Democrats	349,485	131,847	447,607	705,783	919,188	1,513,859
Senate Republicans	<u>865,355</u>	<u>624,503</u>	<u>836,734</u>	<u>860,026</u>	<u>803,413</u>	<u>841,177</u>
Totals	\$1,926,721	\$1,104,696	\$2,676,770	\$3,168,427	\$5,456,353	\$6,240,379

House Democratic Caucus Campaign Committee Top Contributors to and Expenditures by

Top Contributors

Name	Amount
Chopp Frank Surplus Acct*	\$ 82,000
Sommers Helen Surplus Acct*	72,000
Kessler Lynn Surplus Acct*	69,000
Santos Sharon Surplus Acct*	40,000
Conway Steve Surplus Acct*	32,000
WA St Demo Central Comm	30,035
Murray Ed Surplus Acct*	30,000
Gombosky Jeff Surplus Acct*	28,000
Grant Bill Surplus Acct*	25,000
Kenney Phyllis Surplus Acct*	25,000
Velma Veloria Surplus Acct*	25,000
Kagi Ruth Surplus Acct*	22,000
Fromhold Bill Surplus Acct*	20,000
McIntire Jim Surplus Acct*	20,000
Cody Eileen Surplus Acct*	19,400
Dickerson Mary Lou Surplus Acct*	18,000
Hunt Sam Surplus Acct*	17,299
McDermott Joe Surplus Acct*	16,000
Brainerd Paul	15,000
Haigh Kathy Surplus Acct*	15,000
Romero Sandra Surplus Acct*	15,000
Schual Berke Shay Surplus Acct*	15,000
Hatfield Brian Surplus Acct*	13,109
Kirby Steve Surplus Acct*	13,000
Upthegrove Dave Surplus Acct*	13,000
Darneille Jeannie Surplus Acct*	12,500
Cooper Mike Surplus Acct*	10,500
Berkey Jean Surplus Acct*	10,000
Doumit Mark Surplus Acct*	10,000
Morris Jeff Surplus Acct*	10,000
Quall David Surplus Acct*	10,000
Sullivan Brian Surplus Acct*	10,000
Shaw Greg	6,000
Buckley Jody	5,000
Goldman Peter	5,000
Heidorn George	5,000
Lantz Pat Surplus Acct*	5,000
Rockefeller Phil Surplus Acct*	5,000
Tagney-Jones Maryanne	5,000
Wood Alex Surplus Acct*	5,000
Ogden Val Surplus Acct*	5,000
Loschen Matt	4,149
Alhadeff Kenneth	2,500
Durkan Jenny	2,500
Goode Paul	2,500
Loschen Gretchen Freed	2,500
Nierenberg David	2,500
Spitzer Charlotte	2,500
Spitzer Jack	2,500
Zehnder, Cynthia	1,750
Durkan Martin Jr	1,500
Ferguson Ellen	1,500
Lee Anthony	1,500
Steve Gordon Catering	1,355
Wegeleben William	1,250

Top Contributors (Continued)

Name	Amount
Burbank John	1,013
43 rd Dist Demo	1,000
Bergman Matthew	1,000
Chopp Frank personal funds	1,000
Cole Craig	1,000
Gardner Booth	1,000
Maynard Catherine	1,000
Total	\$846,360

*From Surplus Funds

Expenditures

Recipient	Amount
WA St Demo Cent Comm	\$362,000
Morrell Dawn Comm to Elect	42,215
Clibborn Judy Comm to Elect	40,056
Markley Greg Comm to Elect	39,384
Jackley Brock Comm to Elect	36,750
Edwards Jeanne Comm to Elect	34,480
Simpson Geoff Comm to Elect	34,342
Hunter Ross Comm to Elect	30,615
McCoy John Comm to Elect	27,560
Asher Dave Comm to Elect	25,338
Sullivan Pat Comm to Elect	23,678
Wallace Deb Comm to Elect	21,529
Miloscia Mark Comm to Elect	16,567
Berg Eron Comm to Elect	15,377
Dunshee Hans Comm to Elect	15,321
Lantz Pat Comm to Elect	12,780
Ruderman Laura Friends of	12,280
Collins Sheila Comm to Elect	12,239
Lovick John for State Rep	12,052
Seabrook Dave Comm to Elect	10,934
Dolan Laurie Friends of	9,000
Doerflein Phil Comm to Elect	7,000
WA Citizen Action	6,000
Appleton Sherry Comm to Elect	5,060
Moeller Jim Comm	2,350
Rich-Daniels Catherine Comm	2,350
Quarterman Robert Comm to Elect	1,193
Boyle Jim Comm to Elect	1,060
Linville Kelli Comm to Elect	1,030
Total	\$860,540

House Republican Organization Committee Top Contributors to and Expenditures by

Top Contributors

Name	Amount
McMorris Cathy Surplus Acct*	\$ 99,300
Buck Jim Surplus Acct*	79,000
Mastin Dave Surplus Acct*	52,250
Schoesler Mark Surplus Acct*	47,000
Clements Jim Surplus Acct*	45,000
Sehlin Barry Surplus Acct*	43,780
Ballard Clyde Surplus Acct*	40,000
Chandler Bruce Surplus Acct*	36,500
Benson Brad Surplus Acct*	30,000
Jarrett Fred Surplus Acct*	30,000
DeBolt Richard Surplus Acct*	26,000
Rowley George W Jr	25,000
Cox Don Surplus Acct*	23,000
Shabro Jan Surplus Acct*	20,000
Alexander Gary Surplus Acct*	18,000
WA St Republican Party	15,350
Delvin Jerome Surplus Acct	15,000
Ericksen Doug Surplus Acct*	15,000
Schindler Lynn Surplus Acct*	15,000
Armstrong Mike Surplus Acct*	14,000
Crouse Larry Surplus Acct*	13,000
Sump Bob Surplus Acct*	11,450
Cairnes Jack Surplus Acct*	10,000
Skinner Mary Surplus Acct*	10,000
Talcott Gigi Surplus Acct*	10,000
Campbell Tom Surplus Acct*	9,000
Bush Roger Surplus Acct*	5,000
Conner William M	5,000
Hoglund Erv Friends of	5,000
Stanton John	5,000
Pflug Cheryl Surplus Acct*	4,000
Anderson Glen Surplus Acct*	2,500
McKinley J Brent	2,500
Williams Judith	2,500
Hinkle Bill Surplus Acct*	2,000
WA Health Care Assn PAC	1,250
Fred Meyer/Kroger	1,250
Household	1,225
Dietrich Leonard	1,000
Ducharme Richard	1,000
Fuller Co	1,000
Hall Carolyn	1,000
Hayward Allen	1,000
Hennessy John	1,000
Lamb Frank	1,000
LeMay Nancy	1,000
Mastin Dave personal funds	1,000
McKibben Virginia	1,000
Nelson Barton	1,000
Pearson Kirk personal funds	1,000
PG&E Corp	1,000
Rupar Sydney	1,000
Total	\$803,855

*From Surplus Funds

Expenditures

Recipient	Amount
WA St Repub Party	\$366,800
Freed Joshua Comm to Elect	43,019
Aiton George Comm to Elect	38,000
Bookspan Elizabeth Comm to Elect	34,530
McMahan Lois Comm to Elect	32,686
Fortunato Phil Friends of	29,162
Orcutt Ed Comm to Elect	27,000
Priest Skip Comm to Elect	26,963
Bailey Barbara Comm to Elect	25,550
Nichols Randy Comm to Elect	25,000
Hoglund Erv Comm to Elect	21,720
Krivanek Tim Comm to Elect	20,000
Morell Dave Comm to Elect	20,000
Van Hollebeke Leo Comm to Elect	19,430
Large Don Comm to Elect	14,000
Holmquist Janea Comm to Elect	10,000
Waadevig Paul Comm to Elect	8,260
Mitchell Ed Comm to Elect	8,028
Ferrell Jim Comm to Elect	7,878
Ahern John Comm to Elect	5,000
Nixon Toby Comm to Elect	4,000
Tom Rodney Comm to Elect	3,606
Newhouse Dan Comm to Elect	3,063
Samadurov Brent Comm to Elect	2,871
Kayser Mike Comm To Elect	2,500
Vlieger Don Comm to Elect	625
Kristiansen Dan Comm to Elect	400
Total	\$800,091

Senate Democratic Caucus Campaign Committee Top Contributors to and Expenditures by

Top Contributors

Name	Amount
Jacobsen Ken Surplus Acct*	\$ 49,500
Keiser Karen Surplus Acct*	40,000
Thibaudeau Pat Surplus Acct*	37,900
WA St Demo Cent Comm	30,035
Kline Adam Surplus Acct*	25,050
Fairley Darlene Surplus Acct*	25,000
Shin Paul Surplus Acct*	25,000
Brainerd Paul	15,000
Franklin Rosa Surplus Acct*	15,000
Kohl-Wells Jeanne Surplus Acct*	14,000
Brotman Jeffrey H	10,000
Poulsen Erik Surplus Acct*	10,000
Sinegal James D	10,000
Tagney-Jones Maryanne	5,500
Buckley Jody	5,000
Goldman Peter R	5,000
House Demo Caucus Camp Comm	4,000
Loschen Matthew	3,456
Durkan Jenny A	2,500
Loschen Gretchen	2,500
Barer Stanley H	2,000
Fisher Daniel R	2,000
Bendich Judith E	1,667
Stobaugh David F	1,667
Strong Stephen K	1,666
Bergman Matthew	1,500
Heidorn George E	1,500
Scott Cheryl	1,399
Gordon Steve	1,355
Cole Craig	1,000
Ferguson Ellen L	1,000
Fraser Karen Surplus Acct*	1,000
McDonald-Jonsson Laurie	1,000
Pope William T	1,000
Regala Debbie Surplus Acct*	1,000
Snyder Sid personal funds	1,000
Total	\$356,195

Expenditures

Recipient	Amount
WA St Demo Cent Comm	\$ 70,650
Dolan Laurie Friends of	46,775
Gardner Georgia 2002	44,203
Doerflein Phil for Senate	44,003
Ringlee Betty for Senate	38,750
Eide Tracey for Senate	33,371
Ward Yvonne for State Senate	30,086
Jacobson Debbie for State Senate	20,250
31 st Leg Dist Democrats	10,100
26 th Leg Dist Democrats	10,000
44 th Leg Dist Democrats	7,000
Clark Rebecca Comm to Elect	5,977
6 th Leg Dist Democrats	5,000
Edwards Jeanne Friends of	5,000
Kline Adam Comm to Re-elect	5,000
Markley Greg Comm to Elect	5,000
House Demo Caucus Camp Comm	2,302
42 nd Leg Dist Democrats	1,000
16 th Leg Dist Democrats	450
Total	\$384,917

*From Surplus Funds

Senate Republican Campaign Committee Top Contributors to and Expenditures by

Top Contributors

Name	Amount
Honeyford Jim Surplus Acct*	\$48,000
Hale Pat Surplus Acct*	40,000
Morton Bob Surplus Acct*	24,500
Finkbeiner Bill Surplus Acct*	14,950
Sheahan Larry Surplus Acct*	10,000
Sheldon Timothy Surplus Acct*	10,000
Behnke Carl	5,000
Conner William M	5,000
McKinley J Brent	5,000
Murray L T III	5,000
Sarkowsky Herman	5,000
Stanton John W	5,000
McDonald Dan Surplus Acct*	4,200
Deccio Alex Surplus Acct*	3,200
Matthaei Charles W	3,000
McFarland B Corry	2,500
McFarland Greg D	2,500
Parlette Linda Surplus Acct*	2,000
WA St Republican Party	2,000
Creighton John Surplus Acct*	1,927
McCaslin Bob Surplus Acct*	1,800
Will James M	1,500
Rogers Robert S	1,100
Cowles James P	1,000
Crockett Ron	1,000
Quigg John	1,000
Total	\$206,177

*From Surplus Funds

Expenditures

Recipient	Amount
WA St Repub Party	\$110,000
Brandland Dale for Senate Comm	38,767
Moore Tony Comm to Elect	35,938
Schmidt Dave Friends for	24,000
West James 6 th Dist Senate Comm	11,257
Roach Citizens for Pam	11,257
Oke Bob Citizens for	9,000
Plunkett Michael Comm to Elect	5,000
Potebnya Comm for Senate	5,000
Total	\$250,219

Top Contributors to Caucus Tied PACs

<u>Harry Truman Fund</u>	<u>Amount</u>
DLCC Corporate	\$50,000
Service Employees International Union	30,000
WA Fed of St Employees	25,000
National UAW Community Action	20,000
WA Education Assn PAC	20,000
WA St Council of Firefighters	20,000
WA St Labor Council	20,000
WA Machinists Council	20,000
WA Hospital PAC	15,000
Boeing	10,000
Kalispel Tribe of Indians	10,000
Muckleshoot Indian Tribe	10,000
Vulcan Northwest Inc	10,000
WA Chiropractic Trust	9,000
Roosevelt Fund	6,000
AT&T Wireless	5,500
Bergman Senn Pageler & Frocht	5,000
Citizen Soldier Fund (Non Corp)	5,000
Confederated Tribes of Colville Reservation	5,000
Frank Russell Group	5,000
Microsoft	5,000
Miller Brewing Co	5,000
Premera Blue Cross	5,000
Qwest WA PAC	5,000
Safeco Corp	5,000
Victims Advocate	5,000
WA St Dental PAC	5,000
WA Teamsters Leg League	5,000
Public School Emp of WA Political Fund	3,500
WA Public Employees Assn PAC	3,300
Avista Corp	3,000
Firefighters Local 1747	3,000
Bank of America	2,500
Certified Public Accts PAC	2,500
City of Destiny PAC	2,500
PEMCO	2,500
PNWRC	2,500
Quinault Indian Nation	2,500
Realtors PAC	2,500
WA Medical PAC	2,500
WA Restaurant Assn PAC	2,500
WA St Auto Dealers PAC	2,500
WA St COPPS	2,500
Weyerhaeuser	2,500
Total-Top Contributors	\$383,300

Top Contributors to Caucus Tied PACs Continued

<u>The Speakers Roundtable</u>	<u>Amount</u>
WA Hospital PAC	\$12,500
Boeing	10,000
Larson Christopher	10,000
Simpson	10,000
Vulcan Northwest Inc	10,000
WA Restaurant Assn PAC	10,000
WA St Council of Firefighters	10,000
Weyerhaeuser	10,000
Bellevue Square Managers Inc	7,500
Sabey Corp	7,500
Astrazeneca	5,000
Building Industry Assn of WA	5,000
Capital One Services Inc	5,000
Eli Lilly & Co	5,000
Food Services of America	5,000
Frank Russell Group	5,000
Holland America Line Westours Inc	5,000
Kraft Foods	5,000
Microsoft	5,000
National Energy Systems Co	5,000
Qwest WA PAC	5,000
Safeco Corp	5,000
WA Chiropractic Trust	5,000
WA Oil Marketers Assn PAC	5,000
WA St Dental PAC	5,000
Abbott Labs	4,000
AT&T	3,000
Funeral Directors PAC	3,000
Hewlett Packard	3,000
Premiera Blue Cross	3,000
Puget Sound Energy	3,000
RJ Reynolds	3,000
Aventis Pharmaceuticals Inc	2,500
Bank of America WA PAC	2,500
Certified Public Accts PAC	2,500
ChevronTexaco	2,500
Johnson & Johnson Services Inc	2,500
Labor Ready	2,500
MACPAC	2,500
McFarland Corry	2,500
McFarland Greg	2,500
PEMCO	2,500
Realtors PAC	2,500
Tesoro Petroleum Co Inc	2,500
WA Medical PAC	2,500
WA St Auto Dealers PAC	2,500
WA St COPPS	2,500
Weyerhaeuser George	2,500
Total-Top Contributors	\$234,500

Top Contributors to Caucus Tied PACs Continued

<u>The Capitol Fund</u>	<u>Amount</u>
Kraft Foods Inc	\$5,000
WA Restaurant Assn	5,000
Dealers Auto Auction Northwest	2,000
AT&T	1,000
Boise Cascade Corp	1,000

Total-Top Contributors	\$14,000
-------------------------------	-----------------

<u>The Roosevelt Fund</u>	<u>Amount</u>
Demo Leg Camp Comm	\$211,000
WA Federation of State Employees	27,500
WA Machinists Council	20,000
Service Employees Union St Council	15,000
WA St Council of Firefighters	15,000
WA St Labor Council	15,000
WA Leadership Council	11,000
Muckleshoot Indian Tribe	10,000
Vulcan Northwest Inc	10,000
WA Chiropractic Trust	9,000
Boeing	7,500
WA Education Assn PAC	7,500
City of Destiny PAC	5,000
Confederated Tribes of Colville Reservation	5,000
Frank Russell Group	5,000
Holland America Line Westours Inc	5,000
Kalispel Tribe of Indians	5,000
Kraft Foods North America Inc	5,000
Philip Morris Inc	5,000
Puyallup Tribe of Indians	5,000
QWEST WA PAC	5,000
Safeco Corp	5,000
Tulalip Tribes of WA	5,000
WA Hospital PAC	5,000
WA St Dental PAC	5,000
WA Teamsters Leg League	5,000
WA St Council of Co & City Employees	4,625
AT&T	4,000
IBEW Local 77 PAC	4,000
Money Tree	3,137
Public School Emp of WA Political Fund	3,000
United Infrastructure Co	3,000
WA Health Care Assn PAC	3,000
WA Public Employees Assn PAC	3,000
Bank of America	2,500
Brown & Cole Stores	2,500
Certified Public Accts PAC	2,500
Pacific NW Reg Council of Carpenters	2,500
Physicians Eye PAC	2,500
Premera Blue Cross	2,500

Top Contributors to Caucus Tied PACs Continued

<u>The Roosevelt Fund (Continued)</u>	<u>Amount</u>
WA Restaurant Assn PAC	\$2,500
WA St Auto Dealers PAC	2,500
WA St COPPS	2,500
Total-Top Contributors	\$478,762

<u>The Leadership Council</u>	<u>Amount</u>
Vulcan Northwest Inc	\$11,000
Holland America Line Westours Inc	10,000
Microsoft	10,000
Muckleshoot Indian Tribe	10,000
WA Restaurant Assn PAC	10,000
WA St Council of Firefighters	10,000
Weyerhaeuser	10,000
WA Medical PAC	8,000
Safeco Corp	7,500
WA St Hospital Assn PAC	7,500
QWEST WA PAC	7,000
Bank of America	5,000
Boeing	5,000
Gano & Assoc	5,000
Kemper Development Co	5,000
Philip Morris Management Corp	5,000
Pigott Charles M	5,000
Premiera Blue Cross	5,000
Progressive	5,000
Puget Sound Energy	5,000
Sabey Corp	5,000
Simpson Investment Co	5,000
WA St Dental PAC	5,000
Weyerhaeuser George H	5,000
Public School Emp of WA Political Fund	4,500
Crockett Ron	4,000
AT&T PAC Northwest	3,000
United Infrastructure Co	3,000
WA Chiropractic Trust	3,000
Avista Corp	2,500
Bellevue Square Managers Inc	2,500
Broadband Communications Assn of WA PAC	2,500
Certified Public Accts PAC	2,500
Dammeier Brian F	2,500
PacifiCare	2,500
Physicians Eye PAC	2,500
Realtors PAC	2,500
WA Fed of St Employees	2,500
WA St Auto Dealers PAC	2,500
WA St COPPS	2,500
Total-Top Contributors	\$211,000

Top Contributors to Caucus Tied PACs Continued

<u>Committee for a Responsible Majority</u>	<u>Amount</u>
WA Affordable Housing Council	\$2,500
Senate Repub Camp Comm	2,000
COMPAS	2,000
PEMCO	2,000
MACPAC	1,500
Farmer's Employees & Agents PAC	1,000
RJ Reynolds	1,000
Boise Cascade	1,000
Total-Top Contributors	\$13,000

Supreme Court of Washington,
En Banc.

SENATE REPUBLICAN CAMPAIGN
COMMITTEE, Appellant,

v.

The PUBLIC DISCLOSURE COMMISSION OF
THE STATE OF WASHINGTON, Respondent.

No. 64346-6.

Argued March 12, 1997.
Decided Sept. 25, 1997.

Political party state senate campaign committee brought action, seeking declaration that Public Disclosure Commission's (PDC) investigation under Fair Campaign Practices Act of committee's fundraising activities during legislative session freeze period was unlawful. Committee moved for summary judgment, and Commission counterclaimed for penalty and equitable relief and moved for summary judgment. The Superior Court, Thurston County, Richard Strophy, J., dismissed committee's action and granted partial summary judgment to Commission on counterclaim. Committee appealed. The Court of Appeals certified appeal to the Supreme Court. The Supreme Court, Alexander, J., held that: (1) to the extent they were intended to benefit future unknown and undeclared candidates for State Senate, committee's fundraising activities during freeze period did not violate Act provision prohibiting state legislators from soliciting contributions to candidate during freeze period, and (2) fact issue, as to whether committee's solicitation of funds included solicitation of funds for known candidates or incumbent senators, precluded summary judgment for Commission.

Reversed and remanded.

Johnson, J., dissented and filed opinion in which Guy, Smith and Talmadge, JJ, joined.

West Headnotes

[1] Judgment  **185(2)**
228k185(2) Most Cited Cases

In ruling on summary judgment motion, court must consider material evidence and all reasonable inferences therefrom in favor of nonmoving party. CR 56(c).

[2] Appeal and Error  **893(1)**
30k893(1) Most Cited Cases


Construction of statute is question of law and is reviewed de novo.

[3] Elections  **317.2**
144k317.2 Most Cited Cases

To sustain trial court's determination that political party state senate campaign committee's fundraising efforts violated Fair Campaign Practices Act provision prohibiting state legislators from soliciting contributions to candidate during legislative session freeze period, Supreme Court would have to be satisfied that "person" who was either legislator or was employed by or acting on behalf of legislator solicited or accepted contributions to candidate or authorized committee during time period that solicitation and acceptance of contributions was prohibited. West's RCWA 42.17.710.

[4] Statutes  **179**
361k179 Most Cited Cases


Statutory definition of term controls its interpretation.

[5] Declaratory Judgment  **393**
118Ak393 Most Cited Cases

On appeal in declaratory judgment action, Public Disclosure Commission's (PDC) alleged prior determination as to scope of Fair Campaign Practices Act provision prohibiting state legislators from soliciting contributions to candidate during legislative session freeze period was not entitled to deference in Supreme Court's determination of whether political party state senate campaign committee's fundraising activities on behalf of unknown candidates violated provision; certainty of Commission's prior determination was in doubt, and resolution of issue was controlled by Court's determination of meaning of term candidate within context of provision. West's RCWA 42.17.020(5, 8), 42.17.710; 42.17.630(3) (Repealed).

[6] Statutes  **176**
361k176 Most Cited Cases

It is ultimate prerogative of courts to settle purpose and meaning of statutes.

[7] Statutes  **219(4)**
361k219(4) Most Cited Cases

(Cite as: 133 Wash.2d 229, 943 P.2d 1358)

Administrative agency's determination will not be accorded deference if agency's interpretation conflicts with relevant statute.

[8] Statutes  **188**
361k188 Most Cited Cases

Court is to derive intent behind statute solely from its language.

[9] Statutes  **325**
361k325 Most Cited Cases

Basic rules of statutory construction apply with equal force to legislation by the people through initiative process.

[10] Statutes  **190**
361k190 Most Cited Cases

[10] Statutes  **325**
361k325 Most Cited Cases

Only when statutory language is ambiguous does court apply other general rules of statutory construction and go behind language of statute to attempt to understand intent of legislature or, in case of initiative measure, the people in passing statute.

[11] Elections  **317.2**
144k317.2 Most Cited Cases

As used in Fair Campaign Practices Act provision prohibiting state legislators from soliciting contributions to candidate during legislative session freeze period and as defined in former Act subsections in effect in 1995, term "candidate" does not include individuals who, when campaign funds are solicited, have not taken any of steps outlined in subsections for becoming candidate, i.e., announced their candidacy publicly, filed for office, purchased commercial advertising space or broadcast time, received contributions or made expenditures with intent to promote their candidacy, or given consent to any other individual or group to take any of those actions on their behalf. West's RCWA 42.17.020(5), 42.17.710; 42.17.630(3) (Repealed).

[12] Elections  **317.2**
144k317.2 Most Cited Cases

To the extent they were intended to benefit future unknown and undeclared candidates for State Senate, fundraising activities of political party state senate

campaign committee during legislative session freeze period did not violate Fair Campaign Practices Act provision prohibiting state legislators from soliciting contributions to candidate during legislative session freeze period, as beneficiaries of fundraising did not fall within Act definition of "candidate" under former Act subsections in effect at time of fundraising activities. West's RCWA 42.17.020(5), 42.17.710; 42.17.630(3) (Repealed).

[13] Statutes  **325**
361k325 Most Cited Cases


In determining intent of voters in legislation adopted as initiative, Supreme Court was to focus on language of initiative as average informed lay voter would read it.

[14] Constitutional Law  **90.1(1.2)**
92k90.1(1.2) Most Cited Cases

[14] Constitutional Law  **91**
92k91 Most Cited Cases

[14] Elections  **311**
144k311 Most Cited Cases

Limitations on campaign contributions impinge on protected associational freedoms; as such, statutory classifications impinging upon right to engage in political expression must be narrowly tailored to serve compelling governmental interest.

[15] Judgment  **181(15.1)**
228k181(15.1) Most Cited Cases

Genuine issue of material fact existed as to whether solicitation of funds by political party state senate campaign committee during legislative session freeze period included solicitation of funds for known candidates or incumbent senators so as to violate Fair Campaign Finances Act provision prohibiting state legislators from soliciting contributions to candidate during freeze period, precluding summary judgment for Public Disclosure Commission in committee's action against Commission, arising from Commission's investigation of fundraising activities. West's RCWA 42.17.020(5), 42.17.710; 42.17.630(3) (Repealed); CR 56(c).

****1360 *231** Davis, Wright & Tremaine, Daniel Ritter, Seattle, Joseph Vance, Bellevue, for appellant.

***232** Christine Gregoire, Attorney General, Thomas G. Holcomb, Jr., John M. Gerberding, Assistants,

Olympia, for respondent.

ALEXANDER, Justice.

The central issue presented by this appeal is whether RCW 42.17.710, a statute which prohibits state legislators or persons acting on their behalf from soliciting or accepting campaign contributions during a so-called "legislative session freeze period," prohibited the Senate Republican Campaign Committee (SRCC) from seeking and accepting contributions to a fund to be used later for the benefit of then unknown individuals who will, in the future, seek election as Republicans to State Senate positions not held by incumbent Republican senators. We hold that the statute does not prohibit such activity because the beneficiaries of the fundraising do not fall within the statutory definition of "candidate." We hold, however, that a material fact question exists as to whether the funds solicited by the SRCC were also intended to inure to the benefit of persons who fall within the statutory definition of the term *candidate*. Consequently, we reverse the superior court's grant of partial summary judgment in favor of the Public Disclosure Commission (PDC) and remand for trial.

In 1972, the voters of this state passed Initiative 276 (Laws of 1973, ch. 1, § 1), which, among other things, regulated the financing of political campaigns. The measure, later codified as RCW 42.17, established the PDC and denominated it as the agency to enforce the various requirements of the Campaign Financing Act (Act). RCW 42.17.350; .360. Specifically, the PDC was given authority to investigate alleged violations of the Act and to report *233 any such alleged violations to appropriate law enforcement authorities. RCW 42.17.360(5). By later amendment, the PDC was given additional authority to determine whether the Act had been violated and to issue orders requiring violators to cease and desist from the activities constituting a violation or, alternatively, to impose other remedies, including civil penalties. RCW 42.17.395.

In 1992, Washington's voters approved Initiative 134, commonly referred to as the Fair Campaign Practices Act. Laws of 1993, ch. 2, § § 1-36. This had the effect of amending RCW 42.17 in several places. One of the amendments prohibited state legislators and persons employed by or acting on their behalf from soliciting or accepting contributions "to a public office fund, to a candidate or authorized committee, or to retire a campaign debt" during a

period "beginning on the thirtieth day before the date a regular legislative session convenes and continuing thirty days past the date of final adjournment...." RCW 42.17.710.

During the 1995 regular legislative session, the SRCC prepared and mailed two letters to potential campaign donors, asking for contributions to the SRCC. The SRCC is a political committee duly registered with the PDC and subject to the direction and control of the Senate Republican Caucus. The Senate Republican Caucus is comprised entirely of incumbent Republican State Senators. The SRCC's solicitation letters were both signed by State Senator Dan McDonald, the Republican Leader of the Washington State Senate and chair of the SRCC. In the first letter, **1361 dated February 1995, Senator McDonald stated, in pertinent part:

I need your help to win a majority in the Senate.

....

Your support is essential, if we are to continue.

....

Your contribution of \$100, \$75, \$39--or whatever you can *234 afford--will make a tremendous difference. Every dollar goes directly to support Republican candidates for the State Senate.

....

Your 1995 membership of at least \$39 will be used to defend Republican seats in 1995 and secure a Republican majority by 1996!

Clerk's Papers (CP) at 181-82. Two months later, Senator McDonald signed a second letter which was almost identical to his earlier letter.

Another letter, which was written on the letterhead of Senate Republican Leadership Council [FN1] and signed by its chair, W.H. Meadowcroft, was also sent to potential donors. Although the Council is an organization separate from the SRCC, the SRCC concedes that it "sponsored" this letter. The letter, dated January 31, 1995, stated in pertinent part:

FN1. The Senate Republican Leadership Council is comprised of "individual business persons and community leaders who contribute at least \$500." CP at 647. Lobbyists are not included among its members. Most of the money it raises is from individuals rather than corporations.

Our opportunities to win the Majority in the State Senate in 1996 are outstanding. The Democrats have several seats up for election that are traditionally Republican Districts. This is our

(Cite as: 133 Wash.2d 229, 943 P.2d 1358)

opportunity to win back these vulnerable districts and regain the Majority in the State Senate.

CP at 178. According to the PDC, the SRCC received over \$70,000 in contributions in response to the aforementioned letters and its other fundraising activities conducted during the legislative session freeze period. [FN2]

FN2. In addition to the letter writing effort, the SRCC raised approximately \$9,300 from a telemarketing program that was carried on in May 1995. Of the over \$70,000 raised by the SRCC, 959 contributions were of \$50 or less, 88 contributions were between \$50 and \$100, and 89 contributions were greater than \$100. The average contribution was \$68.

On March 10, 1995, the PDC began an investigation to determine whether the SRCC's solicitation of funds during *235 the 1995 legislative session constituted a violation of RCW 42.17.710. The SRCC responded by filing a declaratory judgment action in Thurston County Superior Court, asking that court to declare the PDC's investigation unlawful. It also sought a preliminary injunction to prevent the PDC from "commencing enforcement action or administrative hearings regarding the applicability of RCW 42.17.710." CP at 26. The PDC then issued an "enforcement hearing notice" to the SRCC, its executive director, Sandy Olsen, and its chairperson, Senator Dan McDonald. CP at 150.

The superior court denied the SRCC's motion for preliminary injunction. Consequently, the PDC proceeded with the scheduled enforcement hearing, at the conclusion of which it determined that the SRCC had violated RCW 42.17.710 by soliciting contributions during the legislative session freeze period. The PDC then moved to sequester all funds that had been and would be received in response to the allegedly illegal fundraising. The superior court granted its motion.

Thereafter, the SRCC moved for summary judgment. In support of that motion, the SRCC filed a declaration of Sandy Olsen. In it, she asserted that the monies collected by the SRCC from the letter writing effort and other fundraising activities were to be used for three purposes: (1) to "defray the costs of fund-raising itself"; (2) for "office administration"; and (3) "for ultimate use by new senatorial candidates, that is, individuals who will in the future

become candidates for senatorial seats not held by incumbent Republican senators." CP at 650-51. She also stated:

It is true that all funds raised as a result of that letter, net of expenses, were intended **1362 for ultimate use by new senatorial candidates, that is, individuals who will in the future become candidates for senatorial seats not held by incumbent Republican senators. We did not know then--we still do not know--who those candidates will be. Since we were trying to build a fund for future campaigns and were not soliciting on behalf of any actual, present, identified candidate....

*236 CP at 650-51. In a later filed declaration, Olsen stated that contributions to the SRCC do not and cannot influence any sitting Republican senator because "none of them directly benefit from the monies obtained." CP at 587.

The PDC responded by filing a counterclaim for "penalty and equitable relief." CP at 170. It also moved for summary judgment on its counterclaim and for dismissal of the SRCC's declaratory judgment action. After a hearing on the cross motions for summary judgment, the superior court concluded that "during the 1995 legislative freeze period, the SRCC accepted contributions in violation of RCW 42.17.710." Consequently, it entered an order dismissing the SRCC's declaratory judgment action and granting partial summary judgment to the PDC on its counterclaim. The superior court also ordered the SRCC to "cease and desist from soliciting and accepting contributions in violation of 42.17.710." CP at 758. It deferred consideration of sanctions "until final determination of whether a violation of RCW 42.17.710 has occurred." CP at 758. [FN3]

FN3. The trial court indicated that its ruling was limited to a determination that "the PDC had authority to interpret RCW 42.17.710, subject to judicial review, and its interpretation accurately reflected the intent of the drafters." It went on to say that the SRCC was "not precluded from raising other issues in its appeal of the PDC's Order under the standards of the Administrative Procedures Act." CP at 758.

Following denial of its motion for reconsideration, the SRCC appealed to Division Two of the Court of Appeals. That court certified the appeal to this court. We granted review.

(Cite as: 133 Wash.2d 229, 943 P.2d 1358)

[1][2] We are called upon to determine whether the superior court erred in granting partial summary judgment in favor of the PDC. A summary judgment motion should be granted if the submissions show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. CR 56(c). In ruling on a motion for summary judgment, the court must consider the material evidence and all reasonable inferences therefrom in favor of the nonmoving party, in this *237 case the SRCC. Klinke v. Famous Recipe Fried Chicken, Inc., 94 Wash.2d 255, 256, 616 P.2d 644 (1980); *see also* Wilson v. Steinbach, 98 Wash.2d 434, 437, 656 P.2d 1030 (1982). The construction of a statute is a question of law and is reviewed de novo. Health Ins. Pool v. Health Care Auth., 129 Wash.2d 504, 507, 919 P.2d 62 (1996).

[3] To resolve the issue before us, it is necessary to examine RCW 42.17.710, the statute that establishes the legislative session freeze period-- a period of time before, during and after a legislative session in which certain political fundraising is proscribed. It provides:

During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing thirty days past the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to a *candidate* or authorized committee, or to retire a campaign debt.

RCW 42.17.710 (emphasis added). In order to sustain the superior court's determination that the SRCC's fundraising efforts constituted a violation of the statute, we would have to be satisfied that: (1) a "person" who is either a legislator or is employed by or acting on behalf of a legislator (2) solicited or accepted contributions to a candidate or authorized committee (3) during the period of time that solicitation and acceptance of contributions is prohibited.

The SRCC acknowledges that it is a political committee and, consequently, a "person" **1363 under former RCW 42.17.020(22) (1994) [FN4] and that it was acting on behalf of a legislator. It also does not dispute that it engaged in fundraising, *238 during the legislative session freeze period, for the benefit of individuals then unknown to it that would, in the future, seek election to the State Senate as

Republicans. Finally, although it disputes that it solicited funds for the campaigns of incumbent Republican senators, it concedes that it would have violated RCW 42.17.710 if it had done so. For reasons we discuss below, we conclude that a material fact question exists as to whether the SRCC intended that the funds it solicited during the 1995 legislative session would inure to the benefit of incumbent Republican senators.

FN4. Former RCW 42.17.020(22) (1994) defines "person" as "an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, *political committee*, political party, executive committee thereof, or any other organization or group of persons, however organized." (Emphasis added).

The remaining issue, and the one that prompted our direct review of the trial court's ruling, is whether the SRCC violated RCW 42.17.710 when it solicited funds for the benefit of individuals, then unknown to the SRCC, who would run in the future for Senate positions not held by incumbent Republican senators. That is entirely a question of law, the answer being provided by RCW 42.17.710 and the statutory provisions defining the term *candidate*.

As we have observed above, the provisions of RCW 42.17.710 are triggered by the solicitation and/or acceptance of campaign funds for a "candidate" or authorized committee of a candidate. RCW 42.17.710. Therefore, we must focus on the question of whether the intended beneficiaries of the SRCC's campaign fundraising can be said to be in the category of a "candidate."

[4] At the time the SRCC engaged in the allegedly unlawful solicitation of campaign funds, the Fair Campaign Practices Act contained two definitions of the term *candidate*. One definition appeared in the general definitions section of the Act, former RCW 42.17.020(5) (1994). It stated:

"Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

- (a) Receives contributions or makes expenditures or reserves space or facilities with the intent to promote his candidacy for office; or
- (b) Announces publicly or files for office.

(Cite as: 133 Wash.2d 229, 943 P.2d 1358)

***239** The other definition of *candidate* was found in former RCW 42.17.630(3) (1994), the portion of the Act regulating campaign contributions. Candidate was defined there as:

an individual seeking nomination for election or seeking election to a state office. An individual is deemed to be seeking nomination for election or seeking election when the individual first:

- (a) Announces publicly or files for the office;
- (b) Purchases commercial advertising space or broadcast time to promote his or her candidacy;
- (c) Receives contributions or makes expenditures for facilities with intent to promote his or her candidacy for the office; or
- (d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (b) or (c) of this subsection.

We note, first, that the definition contained in former RCW 42.17.630(3) (1994) differs very little from the definition found in former RCW 42.17.020(5) (1994). Indeed, former RCW 42.17.630(3) (1994) incorporates the definition in former RCW 42.17.020(5) (1994) and simply adds subsections (c) and (d). [FN5] In any case, both definitions have application here. Former RCW 42.17.630(3) (1994) applies by virtue of the language in former RCW 42.17.630 (1994) that "[u]nless the context clearly requires otherwise, the definitions in this section apply throughout RCW 42.17.640 through RCW 42.17.790." Former RCW 42.17.020(5) (1994) applies because of ****1364** the general principle that the statutory definition of a term "controls its interpretation." See *State v. Morris*, 77 Wash.App. 948, 950, 896 P.2d 81 (1995) (citing *City of Seattle v. Shepherd*, 93 Wash.2d 861, 866, 613 P.2d 1158 (1980)).

[FN5]. The Act currently provides only one definition of *candidate*. It is found in RCW 42.17.020(8). That definition is almost identical to former RCW 42.17.630(3) (1994).

The SRCC contends that its solicitation of funds for the ***240** benefit of individual Republicans, then unknown to the SRCC, who would ultimately seek election to the State Senate is not violative of RCW 42.17.710. That is so, the SRCC posits, because these unknown individuals have not taken any of the steps set forth in former RCW 42.17.020(5) (1994) and former 42.17.630(3) (1994) and thus cannot be said to be *candidates*. It urges on us the proposition that RCW 42.17.710 is based on a "snapshot

principle," in that the statute prohibits solicitation of funds on behalf of an individual who is actively seeking office at the exact point in time when the funds are solicited, in this case, during the 1995 legislative session freeze period. Br. of Appellant at 11-14.

Although the PDC conceded at oral argument that a technical reading of the statute supports the SRCC's assertion that RCW 42.17.710 did not bar the SRCC from raising funds for individuals who had not taken the steps outlined in the statutory definitions of the term *candidate*, it argues that such an interpretation is contrary to its prior interpretation of RCW 42.17.710, counter to the voters' intent in enacting the statute and inconsistent with the provisions of RCW 42.17.920, which mandate a liberal construction of the Act. Br. of Resp't at 24.

[5][6][7] The PDC makes the point that it previously determined that RCW 42.17.710 "prohibits caucus committees from soliciting or accepting contributions for its own use during the legislative freeze period (except to pay the PDC fine)." CP at 112. That determination, it suggests, should be given substantial deference because it "has developed expertise in this area of the law." Br. of Resp't at 29 (citing *Overton v. Economic Assistance Auth.*, 96 Wash.2d 552, 637 P.2d 652 (1981)).

In our view, the prior determination of the PDC is of no moment here. First, we have some doubt about the certainty of that determination. The record shows that the determination was contrary to an earlier determination ***241** of the PDC [FN6] and was merely memorialized in a memorandum to "Legislative Caucus Campaign Committees" from a PDC staff member. The memo went on to state that "the members [of the PDC] will clarify their position through the formal rule making process, affording everyone concerned an opportunity to comment on this matter." CP at 112. Furthermore, resolution of the issue before us is controlled by our determination of the meaning of the term *candidate* within the context of RCW 42.17.710. As we have previously noted, it is the ultimate prerogative of the courts to settle the purpose and meaning of statutes. *Overton*, 96 Wash.2d at 555, 637 P.2d 652. "[A]n administrative determination will not be accorded deference if the agency's interpretation conflicts with the relevant statute." *Cowiche Canyon Conservancy v. Bosley*, 118 Wash.2d 801, 815, 828 P.2d 549 (1992) (citing *Department of Labor & Indus. v. Landon*, 117 Wash.2d 122, 127, 814 P.2d 626 (1991)).

(Cite as: 133 Wash.2d 229, 943 P.2d 1358)

FN6. Sandy Olsen, executive director of the SRCC, stated in her declaration that "[p]rior to January 19, 1995, the SRCC had been advised by the [PDC] that the [sic] RCW 42.17.710 did not apply to the caucus or its agents," and that the SRCC treated the January 19, 1995 letter as "an advisory that the PDC would be moving to promulgate a rule based on their new interpretation" and therefore believed it was "lawful to continue with its campaign activity." CP at 167, 168.

[8][9][10] The PDC asserts, additionally, that an interpretation of the term *candidate* which does not include unknown future candidates is contrary to the intent of the voters in enacting RCW 42.17.710. The flaw in this argument is that the PDC attributes an intent to the voters that is not borne out by the language of the statute. It is a fundamental principle that we are to derive the intent behind a given statute solely from its language. See *Bravo v. Dolsen Companies*, 125 Wash.2d 745, 888 P.2d 147 (1995). [FN7] Only **1365 when the statutory language is ambiguous do we apply other general rules of statutory construction and go *242 behind the language of the statute to attempt to understand the intent of the Legislature, or in this case the people, in passing the statute. See *City of Spokane v. Taxpayers of Spokane*, 111 Wash.2d 91, 98, 758 P.2d 480 (1988) (citing *State v. Johnson*, 104 Wash.2d 179, 181, 703 P.2d 1052 (1985)).

FN7. The basic rules of statutory construction apply with equal force to legislation by the people through the initiative process. See *Seeber v. Public Disclosure Comm'n*, 96 Wash.2d 135, 139, 634 P.2d 303 (1981) (citing *State ex rel. Pub. Disclosure Comm'n v. Rains*, 87 Wash.2d 626, 633 n. 5, 555 P.2d 1368, 94 A.L.R.3d 933 (1976)).

[11] Looking at the plain language of RCW 42.17.710 and the two statutes that defined the term *candidate* at the time the SRCC engaged in the allegedly unlawful fundraising, we find that we cannot interpret RCW 42.17.710 as the PDC would have us do. In our judgment, RCW 42.17.710 prohibits the raising of campaign funds for a *candidate* and the former RCW 42.17.020(5) (1994) and RCW 42.17.630(3) (1994) make the meaning of the term *candidate* clear and unambiguous. Thus,

we are not required to glean the intent of the people from sources other than these statutes in order to determine who is a *candidate* for purposes of RCW 42.17.710. See *City of Tacoma v. State*, 117 Wash.2d 348, 356, 816 P.2d 7 (1991) ("Because the intent of the people is clearly expressed in the statute, we do not need to look to the [voters'] pamphlet.").

In our view, the term *candidate*, as it is used in RCW 42.17.710 and unambiguously defined in former RCW 42.17.020(5) and former RCW 42.17.630(3), does not include individuals who, at the point in time at which the campaign funds are solicited, have not taken any of the steps outlined in those statutes, i.e., announced their candidacy publicly, filed for office, purchased commercial advertising space or broadcast time, received contributions or made expenditures with an intent to promote their candidacy, or given consent to any other individual or group to take any of those actions on their behalf.

We are not unmindful of the dissent's assertion that the term *candidate* is ambiguous, i.e., susceptible to more than one meaning. The dissenter suggests that the term could include an individual who takes the steps set forth in RCW 42.17.630(3) "later in time." Dissenting op. at 1367. That *243 assertion flies in the face of the plain language of RCW 42.17.630(3) which states that a person is a candidate when he or she "first" takes one of the steps listed in subsection (a)-(d). The clear implication of that language is that the person must have taken one of those steps prior to becoming a "candidate." There is no ambiguity.

[12][13] Even if it was unclear whether unidentified future senatorial candidates were included within the definition of *candidate*, we are unpersuaded that a liberal interpretation of that term effectuates the voters' intent in enacting the statute. Although the PDC is correct in observing that RCW 42.17.920 and RCW 42.17.010(11) provide that the Act is to be liberally construed, [FN8] we have previously held that a statutory directive to give a statute a liberal construction does not require us to do so if doing so would result in a strained or unrealistic interpretation of the statutory language. See *Bird-Johnson Corp. v. Dana Corp.*, 119 Wash.2d 423, 427, 833 P.2d 375 (1992). For reasons we have stated above, giving RCW 42.17.710 and the former statutory definitions of the term *candidate* the liberal construction suggested by the PDC would result in an unrealistic interpretation of the statute. Moreover, in determining the intent of the voters, we are to focus on the language of the initiative "as the average informed lay voter would read it." *Taxpayers*, 111 Wash.2d at 97, 758 P.2d 480 (quoting *Estate of*

Turner v. Department of Rev., 106 Wash.2d 649, 654, 724 P.2d 1013 (1986)). The average voter would not, in our judgment, understand the **1366 term *candidate* to include unidentified individuals who were not, when the funds were solicited, actively seeking elective office. It is more likely that a voter would accord the term a meaning *244 consistent with that found in a standard dictionary. A candidate is defined in at least one dictionary as "one that presents himself or is presented by others often formally or officially as suitable for and aspiring to an office, position, membership, right, or honor." *Webster's Third New International Dictionary* 325 (3d ed.1986)

FN8. RCW 42.17.920 states, in pertinent part, that "[t]he provisions of this act are to be liberally construed to effectuate the policies and purposes of this act." The policy of the Act is declared in RCW 42.17.010(1)-(11). RCW 42.17.010(11) states, in pertinent part, that the Act is to be liberally construed in order "to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected."

Furthermore, we cannot agree that a strict interpretation of the term *candidate* runs counter to the intent of the voters in passing the initiative. The intent of the voters was set forth in RCW 42.17.620, which states that by limiting campaign contributions, the people intended to ensure that individuals and interest groups have fair and equal opportunity to influence elective and governmental processes, reduce the influence of large organizational contributors and restore public trust in governmental institutions. We fail to see how the act of soliciting campaign funds for the benefit of then unknown individuals who do not, as of the time of the solicitation, meet the statutory definition of *candidate*, defeats the voters' expressed intent.

[14] We are also concerned that the liberal interpretation of the term *candidate* urged on us by the PDC runs counter to the requirement that statutes regulating political speech must be narrowly tailored. Although limitations on campaign contributions have

been held to be less restrictive of political speech than limitations on campaign expenditures, they do impinge on protected associational freedoms. See *Buckley v. Valeo*, 424 U.S. 1, 21-25, 96 S.Ct. 612, 635-38, 46 L.Ed.2d 659 (1976). As such, "statutory classifications impinging upon that right [to engage in political expression] must be narrowly tailored to serve a compelling governmental interest." *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652, 666, 110 S.Ct. 1391, 1401, 108 L.Ed.2d 652 (1990) (citing *Police Dep't v. Mosley*, 408 U.S. 92, 101, 92 S.Ct. 2286, 2293, 33 L.Ed.2d 212 (1972)). In our view, adoption of the liberal interpretation of RCW 42.17.710 and the statutes defining the terms therein suggested by the PDC would not further a compelling *245 governmental interest and would serve only to unreasonably inhibit political expression and discourse.

Finally, the dissent contends that what it describes as "[t]he majority's narrow interpretation" of RCW 42.17.710 "renders the statute meaningless." Dissenting op. at 6. This is simply incorrect. As we have indicated, the statute clearly bars incumbents and persons who meet the definition of *candidate* from seeking and accepting contributions during the proscribed period. If the Legislature or the people wish to broaden the statute to include within the statute's reach individuals who have not taken the steps outlined in the current statutory definition of *candidate*, that can easily be accomplished by amendment. It is not appropriate, however, for this court to broaden the statute beyond its plain terms. See *Associated Gen. Contractors v. King County*, 124 Wash.2d 855, 865, 881 P.2d 996 (1994) ("courts may not create legislation in the guise of interpreting it").

[15] In sum, for the SRCC to have violated RCW 42.17.710, it must have solicited or accepted funds for an individual who has taken one of the actions outlined in the statutes that defined the term *candidate*. For reasons we have stated above, to the extent the fundraising activities of the SRCC were intended to benefit future unknown and undeclared Republican candidates for the State Senate, the fundraising activity of the SRCC was not violative of RCW 42.17.710. Although the solicitation of campaign funds during the legislative freeze period for known candidates or incumbent Republican senators would run afoul of RCW 42.17.710, it is not clear that any solicitation of funds for such persons occurred here. The PDC suggests that the record establishes otherwise; however, the executive director of the SRCC, Sandy Olsen, refutes that in her affidavit. Because her affidavit submitted on behalf of the nonmovant must be taken as true for purposes

(Cite as: 133 Wash.2d 229, 943 P.2d 1358)

of summary judgment, we can conclude only that there is a material ****1367** factual issue that must be resolved at ***246** trial. [FN9] At trial, of course, the PDC can attempt to show that the SRCC raised money for actual "candidates" (i.e., those persons who meet the statutory definitions). The trial court's summary judgment order is reversed and the case remanded for trial.

FN9. The dissent suggests that we have concluded that the fundraising letters "do not, on their face, violate the statute." Dissenting op. at 1367. We have not reached that conclusion. We have simply stated that to the extent the fundraising efforts were for the benefit of unknown candidates, the statute is not violated. At trial, if it can be shown that persons meeting the definition of *candidate* were intended beneficiaries of the fundraising effort, there is a violation.

DURHAM, C.J., and DOLLIVER, MADSEN and SANDERS, JJ., concur.

JOHNSON, Justice (dissenting).

The people enacted Initiative 134, the Fair Campaign Practices Act (Act), to control the political fundraising of legislators during the time they are engaged in lawmaking in order to prevent campaign contributions from influencing or appearing to influence the legislative process. The majority, by narrowly interpreting the statute, failing to follow the Act's liberal construction mandate, and ignoring the intent and purpose of the statute, frustrates this purpose and allows the conduct the statute was designed to prohibit. The majority allows the Senate Republican Campaign Committee (SRCC) to fundraise for candidates, so long as candidates are unknown or undeclared, but remands for trial the issue of whether the SRCC solicited or accepted contributions for known candidates or incumbent Republican senators. The letters at issue contain the following phrases: "*help to win a majority in the Senate*"; "*assure a Senate Republican majority by 1996*"; "*will be used to defend Republican seats ...*"; and "*goes directly to support Republican candidates*" Clerk's Papers at 181-82 (Ex. 2) (emphasis added). The majority concludes these do not, on their face, violate the statute. I disagree and would hold the statute prohibits a legislative caucus from fundraising for present or future candidates during

the legislative freeze period and affirm the trial court's decision finding ***247** the SRCC solicited and accepted contributions in violation of RCW 42.17.710.

The sole issue for the majority is whether the SRCC solicited from or accepted contributions to a *candidate*. To answer this question, the majority looks to RCW 42.17.710 and the statutory definitions of the term "candidate," and finds the term "candidate" unambiguous. The majority, therefore, declines to follow the statutory mandate of RCW 42.17.920 to liberally construe the provisions of the Act to effectuate its policies and purposes.

I disagree with the majority's conclusion that the term "candidate" is unambiguous. A statute susceptible to more than one meaning is ambiguous. In re Sehome Park Care Ctr., Inc., 127 Wash.2d 774, 778, 903 P.2d 443 (1995). The former preamble to the definitions section of former RCW 42.17.630 reads: "[u]nless the context clearly requires otherwise, the definitions in this section apply throughout [RCW 42.17.640 through RCW 42.17.790] of this act." [FN1] (Emphasis added.) This means different definitions may apply, depending on the context in which the term is used. Here, the term "candidate" may thus be interpreted as defined in former RCW 42.17.630(3) or as the context of RCW 42.17.710 requires. A "candidate" may be either (1) an individual who has taken the steps toward declared candidacy as set out in former RCW 42.17.630(3) at the time the contributions are solicited or accepted, or (2) an individual who takes those steps later, because the context of RCW 42.17.710 requires this definition. The term is susceptible to more than one meaning and is, therefore, ambiguous.

FN1. RCW 42.17.630 was repealed in 1995 by a bill originating in the Senate. Laws of 1995, ch. 397, § 34.

The question then becomes which definition to apply. The statute provides the answer. As stated previously, RCW 42.17.710 *must be liberally construed* to effectuate the policies and purposes of the Act. RCW 42.17.920. This liberal construction mandate means the coverage of the Act's provisions must be liberally construed and its exceptions ***248** narrowly confined. ****1368** Vogt v. Seattle-First Nat'l Bank, 117 Wash.2d 541, 552, 817 P.2d 1364 (1991).

(Cite as: 133 Wash.2d 229, 943 P.2d 1358)

The intent of the people in enacting Initiative 134, which we must effectuate, is found in the statute itself. The relevant portion of the stated intent is as follows:

The people of the state of Washington find and declare that:

- (1) The financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.
- (2) Rapidly increasing political campaign costs have led many candidates to raise larger percentages of money from special interests with a specific financial stake in matters before state government. This has caused the public perception that decisions of elected officials are being improperly influenced by monetary contributions.

RCW 42.17.610(1), (2).

By limiting campaign contributions, the people intend to:

- (1) Ensure that individuals and interest groups have fair and equal opportunity to influence elective and governmental processes;
- (2) Reduce the influence of large organizational contributors; and
- (3) Restore public trust in governmental institutions and the electoral process.

RCW 42.17.620.

To effectuate the policies and purposes of the Act, and to determine whether the context of the statute requires a definition other than that explicitly provided, we must look to the conduct proscribed. RCW 42.17.710 prohibits fundraising for candidates during the legislative freeze period. This statute functions as a timing mechanism. It focuses on a period during which legislators' votes could be, or could appear to be, influenced by contributions. The statute thus helps to ensure the integrity of the legislative *249 process and guards against the appearance of impropriety. In order for the statute to work effectively and prohibit the intended conduct, a "candidate" must necessarily be defined as any person who is either presently a candidate or who will, in the future, become a candidate.

Whether a contribution received during a legislative session is for a particular individual candidate or for a future, as yet unknown or undeclared, candidate does not affect the possibility that those contributions could coerce, pressure, or tempt legislators' votes, or appear to do so. To allow the SRCC [FN2] to raise money for candidates, so long as candidates are as

yet unknown, will simply lead to candidates waiting to declare themselves until after the legislative freeze period is over, thus circumventing the statute. [FN3] The majority's narrow interpretation thus renders the statute meaningless. Whether a person makes a contribution to a caucus during the legislative freeze period for a specific versus a generic candidate makes no difference as to the potential effects or perceived effects of that contribution.

FN2. In 1994, the Legislature adopted joint rules that included a provision prohibiting legislative caucuses from conducting fundraising activities during any legislative session. In 1995, the Legislature could not agree on joint rules; however, all three other caucuses agreed not to seek or accept contributions during the legislative freeze period.

FN3. The focus here must be on an informal declaration of candidacy, because generally, declarations of candidacy must be filed no earlier than the fourth Monday in July and no later than the following Friday in the year in which the office is scheduled to be voted upon. RCW 29.15.020. Therefore, candidates would not have actually filed during most regular legislative freeze periods.

The trial court stated:

[F]und raising solicitation efforts undertaken by partisan caucuses--aided or endorsed by incumbent legislators--for the purpose of raising money to elect future candidates runs afoul [of] the express purpose and intent of RCW 42.17.610 through .710. Elimination of the public perception that the decisions of their elected legislators are being improperly influenced to favor those who make monetary contributions to the partisan caucuses of the party to whom the legislator belongs, can only be effectively achieved if RCW 42.17.710's *250 proscription applies whether or not such **1369 solicitations are for a declared or yet undeclared future candidate.

If one could contribute money in response to a caucus solicitation for a yet- to-be-named candidate, he/she could as easily gain the favor of, or buy the influence of, the legislator or legislators in the party of the caucus soliciting such monetary contributions, just as much as he/she could obtain such influence by contributing directly to any such

(Cite as: 133 Wash.2d 229, 943 P.2d 1358)

solicitation for a declared, though not an
incumbent, candidate for the legislature.

Clerk's Papers at 693-94. I agree.

GUY, SMITH and TALMADGE, JJ., concur.

943 P.2d 1358, 133 Wash.2d 229

END OF DOCUMENT